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 Ontario

**ONTARIO'S  
BUILDING AND  
CONSTRUCTION  
INDUSTRY:**



**WHAT QUEBEC  
CONTRACTORS AND  
SUB-CONTRACTORS  
NEED TO KNOW  
TO CARRY ON  
BUSINESS  
IN ONTARIO**





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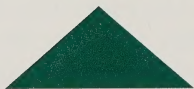
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**INFORMATION  
FOR QUEBEC  
CONTRACTORS AND  
SUB-CONTRACTORS  
PLANNING TO  
DO BUSINESS  
IN ONTARIO**







# Section 1

## 1.0 Introduction

The provinces of Ontario and Quebec have signed an agreement that opens up trade between the two provinces.

The agreement ensures that contractors and construction workers in both provinces will have access to jobs and business opportunities in either province.

This brochure provides information for Quebec contractors who wish to conduct business in Ontario, as contractors or sub-contractors, in the fields of building and selling new homes, constructing industrial, commercial and institutional (ICI) buildings, carrying out heavy engineering construction projects, which would include but not be limited to, roads, sewers, watermains, pipelines, powerlines, plants and refineries and various kinds of renovation work.

Throughout the brochure only the Ottawa-Carleton and Greater Toronto addresses and telephone or facsimile numbers have been provided for the relevant provincial ministries, agencies and associations. For your convenience, this information together with additional listings for other locations has been included, in alphabetical order, in the appendix (under sections 8.1 and 8.2).

If you should need addresses and telephone or facsimile numbers for ministry, agency or association offices in other regions or municipalities they are available from people in the Ottawa or Toronto locations listed in this brochure.

The word "contractor" is used here as a generic term that is intended to include general contractors and all sub-contractors in building and construction businesses or trades.

For information on what Quebec construction workers need to know to work in Ontario please refer to the brochure entitled "Ontario's Construction Industry: What Quebec Construction Workers Need To Know To Work In Ontario."

This is an information guide for your convenience only. It is not a legal document. The reader should refer to the Acts and Regulations to get an accurate knowledge of the provisions currently in force. This brochure is available in both French and English.



## Section 2

### 2.0 General Requirements

#### 2.1 Company/Business Registration

The Ontario Ministry of Consumer and Commercial Relations (CCR) is responsible for all company and business registrations. This ministry also provides the requirements and procedures for registering or incorporating businesses in Ontario.

##### 2.1.1 Registration of Business Name

If a contractor is presently carrying on business in the Province of Quebec as a sole proprietor or in partnership, and is not incorporated under the laws of that province, as soon as business is started in Ontario, the contractor must register the business or "trading" name with the Companies Branch of the Ministry of Consumer and Commercial Relations.

This is a requirement of the Business Names Act (1991). The registration places the business name in the public record, maintained by the ministry, and enables consumers and business people to find the owners or principals behind a business name.

Business names can be registered in person at the Toronto office of the ministry's Companies Branch, or by mail. Forms and fee schedules are available from the Toronto office or from local land registry offices across the province. If you are registering in person, the registration can be completed the same day. By mail, it can take up to four (4) weeks.

The following information is required:

- name and address of the business
- date of start of use of the business name (in Ontario)
- brief description of the business activity

The application must be signed by the registrant(s).

The current fees (December, 1994) for registering a business or “trading” name are:

Name search (each name) . . . . .	\$8
Name registration . . . . .	\$60

There are penalties for non-registration:

for a corporation up to . . . . .	\$25,000
for an un-incorporated business . . . up to	\$2,000

Business name registrations must be renewed every five years.

A contractor, whose business or “trading” name has not yet been registered in Ontario, may bid on contracts in the province. However, the contractor **must** register **before** beginning work on a contract in Ontario, or he or she may be subject to the penalties under the Business Names Act (1991).

**2.1.2 Incorporation/Registration of Already Incorporated Company**

Contractors do not have to incorporate in Ontario to carry on business in the province. However, if they wish to incorporate this should be done through the Companies Branch of the Ministry of Consumer and Commercial Relations.

If the contractor is already incorporated under the laws of the Province of Quebec as a business corporation, the corporation, within 60 days of commencing business in Ontario, must file an Initial Notice/Notice of Change, Form 2, under the Corporations Information Act. This form is available from the Companies Branch of the Ministry of Consumer and Commercial Relations in Toronto.

If the corporation will be carrying on business in Ontario under a name **other than** its corporate name, it must register that “trading name” also with the Ministry before it begins to use that name in Ontario. (See section 2.1.1.)

Forms for incorporation (Articles of Incorporation) may be purchased from legal stationers in Ontario, or from name search houses. They are listed in the Yellow Pages under the heading "Searchers of Records." (The Ministry of Consumer and Commercial Relations does not provide these forms).

The fee as of December, 1994, for incorporating a business in Ontario (excluding legal fees) is .....\$315

For more information on registration or incorporation contact:

**Ministry of Consumer and Commercial Relations,**  
Companies Branch,  
Suite 200, 393 University Avenue,  
Toronto, ON M5G 2M2

Telephone: (416) 314-8880  
Toll-free: 1-800-361-3223 (within Ontario only)  
Facsimile: (416) 314-4852

or, any of the Ministry's land registry offices.  
In the Ottawa-Carleton district an office is located at:

161 Elgin Street,  
4th Floor, The Court House,  
Ottawa, ON K2P 2K1

Telephone: (613) 239-1230  
Facsimile: (613) 239-1422

**2.2 Contractor Registration**

Contractors who wish to conduct business in any of the following **four** work categories must be registered with the Technical Standards Division of the Ministry of Consumer and Commercial Relations.

### • Gasoline Handling Contractors

A contractor who wishes to undertake work that includes the installation, alteration or maintenance of equipment used for the storage and handling of petroleum products must be registered. Contractors must use competent workers as required by the Gasoline Handling Act.

The fee for registering as of December, 1994,  
is .....\$210

### • Elevator Contractors

A contractor who wishes to undertake work that includes the installation, alteration or maintenance of elevating devices must be registered. Contractors must use competent workers as required by The Elevating Devices Act.

The fee for registering as of December, 1994,  
is .....\$535

### • Heating Contractors

A contractor who wishes to undertake work that includes the installation, alteration or maintenance of equipment used for the storage, handling or use of liquid or gaseous hydrocarbon fuels must be registered. Contractors must only use workers who hold the appropriate certificates issued by the Ministry in accordance with the Energy Act.

The fees as of December, 1994, are:

for registering as a contractor..... \$310  
for a worker's certificate..... \$50

### • Equipment Installation Contractors

A contractor who wishes to undertake work that includes installing equipment that requires welding on piping systems or other pressure equipment must ensure that their welders are qualified on the approved weld procedure in accordance with the Pressure Vessel Safety Act, Sections 36 and 37.

The fees as of December, 1994, are:

for approval of welding procedure . . . . . \$120  
for qualification of each welder on  
procedure . . . . . \$95

For more information on registration, competency certification or approval requirements contact:

**Ministry of Consumer and  
Commercial Relations**

Technical Standards Division  
4th Floor, West Tower  
3300 Bloor Street West  
Toronto, ON M8X 2X4

Telephone: (416) 234-6000  
Facsimile: (416) 234-6101

**2.3 Business Licences**

If a contractor or trades sub-contractor wants to conduct business or work in Ontario, a business licence **may** be required from each municipality in which he or she plans to do business or work.

In addition, some municipalities **may** require those person(s) to demonstrate their capability in their trade(s) by passing verbal or written examinations, or by providing evidence of equivalent qualifications in the trade(s) from Quebec.

Not all municipalities require business licences. And there are no general rules as to who is included in (or excluded from) the municipal requirements. (Refer also to section 7.0 Home and Other Renovators).

For complete licensing information you **should** contact the clerk's office in each municipality in which you wish to work or do business.



In the Ottawa-Carleton District contractors should contact:

**City of Ottawa,**

Business Licences Branch,  
111 Sussex Drive, 4th Floor,  
Sussex Pavilion (Old City Hall)  
Ottawa, ON K1N 5A1

Telephone: (613) 564-7391

Facsimile: (613) 564-4678

For Metro Toronto, contact:

**Metro Licensing Commission,**

Suite 200, 939 Eglinton Avenue East,  
Toronto, ON M4G 4G2

Telephone: (416) 392-3000

Facsimile: (416) 392-3102

Applications for a Metro Toronto business licence must be made in person. Fees, including the cost for an examination, range from \$110 for renovators to \$221 for plumbers, inclusive of all taxes. Examinations generally take from four to eight weeks to arrange.

## **2.4 Retail Sales Tax (RST)**

To get a Retail Sales Tax (RST) account number, contractors must register their business with the Ontario Ministry of Finance.

Quebec-based contractors that do not maintain a place of business in Ontario or do not already hold a valid Ontario vendor permit, are required to get a RST vendor permit. Since they are non-resident in Ontario, they are required, in addition, to provide a guarantee of payment of any RST that may be due at the end of their contract. The guarantee may be by cash, certified cheque, letter of credit or guarantee bond.



Quebec-based contractors who do not apply for a RST account number will have four per cent of the proceeds of their contracts deducted (by the contractee) from their payment(s) and remitted to the Ministry of Finance. The contractor must file a return with the Ministry to account for all taxes payable on the contract. The withheld funds will be applied to the liability. Overpayment will be refunded and underpayment billed to the contractor.

Registration and non-resident contractor's forms may be obtained from a Retail Sales Tax field office of the Ministry of Finance. These forms may be completed at the office in person or sent by facsimile. There is no fee.

In the Ottawa-Carleton region contact:

**Ministry of Finance,**  
Retail Sales Tax Office,  
3rd Floor, 1355 Bank Street,  
Ottawa ON K1H 8K7

Telephone: (613) 523-9760  
(Will accept collect calls from out-of-province)  
Toll-free: 1-800-267-9745 (within Ontario only)  
Facsimile: (613) 239-1582

In the Metro Toronto region contact:

**Ministry of Finance,**  
Retail Sales Tax Office,  
10th Floor, 2300 Yonge Street,  
Toronto, ON M4P 1H6

Telephone: (416) 487-1361  
(Will accept collect calls from out-of-province)  
Toll-free: 1-800-268-8852 (within Ontario only)  
Facsimile: (416) 480-7894

## 2.5 Employer Health Tax (EHT)

The Employer Health Tax (EHT) is collected from employers in Ontario to ensure that they contribute a share of the costs of financing health care in Ontario. The EHT is payable by all employers who conduct business operations in Ontario and employ workers in those operations.

Quebec-based employers must register their businesses with the Ontario Ministry of Finance and provide a letter of guarantee to that ministry for any taxes that will be payable under the Employer Health Tax Act.

This tax is calculated on the total Ontario remuneration (gross pay) paid to employees, regardless of their residency. If the gross Ontario payroll is **less than** \$200,000, the rate is at 0.98 per cent and tax is payable **annually**. If the gross Ontario payroll is **more than** \$400,000, the rate is 1.95 per cent and instalments on account of tax are payable **monthly**. Between those two levels the tax rate increases in increments from 0.98 per cent to the maximum rate of 1.95 per cent and the instalments are payable **quarterly**.

Contractors must register their businesses with the Ministry of Finance to get an Employer Health Tax **number**. Registration must be done at an Employer Health Tax office by telephone, mail or in person.

To obtain assistance and guidance call, visit or write to your nearest Regional Office of the Employer Health Tax Branch of the Ministry of Finance.

In the Ottawa region contact:

**Ministry of Finance,**

Employer Health Tax Regional Office,  
1800 Bank Street,  
Ottawa, ON K1V 0W3

Telephone: (613) 739-3803

Toll-free: 1-800-461-0038 (French language)

Toll-free: 1-800-461-4909 (English language)

(both toll-free numbers are accessible to users within Ontario and **only** the "514" area code in Quebec)

Facsimile: (613) 739-3233

In the Greater Toronto Area contact:

**Ministry of Finance,**

Employer Health Tax,  
Greater Toronto Area West Regional Office,  
Suite 230, 1650 Dundas Street East,  
Mississauga, ON L4X 2Z3

Telephone: (905) 615-9911

Toll-free: 1-800-265-0401 (French language)

Toll-free: 1-800-265-9969 (English language)

(both toll-free numbers are accessible to users within Ontario and **only** the "514" area code in Quebec)

Facsimile: (905) 615-5860

Or,

**Ministry of Finance,**

Employer Health Tax,  
Greater Toronto Area East Regional Office,  
1st Floor, 33 King Street West,  
Oshawa, ON L1H 8H5

Telephone: (905) 436-4561

Toll-free: 1-800-265-1193 (French language)

Toll-free: 1-800-265-9005 (English language)

(both toll-free numbers are accessible to users within Ontario and **only** the "514" area code in Quebec)

Facsimile: (905) 436-4474

## **2.6 Goods and Services Tax (GST)**

A GST number assigned (to a legal entity) anywhere in Canada can be used in any provincial jurisdiction provided that the company is the same legal entity (in each jurisdiction).

The federal government's Goods and Services Tax (GST) is not harmonized with the provincial Retail Sales Tax (RST).

In Ontario, for further information on the GST, call your nearest Revenue Canada office:

Toll-free: 1-800-463-6737

In Quebec, contact the Quebec Ministry of Revenue (MRQ) at:

Toll-free: 1-800-567-4692

## **2.7 Unions**

In Ontario, some construction companies are unionized and others are not. In 1993, about 130,000 of Ontario's 231,000 construction workers were unionized.

Where the workers have organized into a union that has been certified or where the employer agrees to voluntarily recognize a union, the contractor is unionized. Where there is no certification or voluntary recognition the contractor may operate on a non-union basis.

Collective (union) bargaining rights are established with individual companies. This happens in one of two ways: the employer voluntarily recognizes the union or, the workers support an application for certification of the union as their bargaining agent.

### **• Types of Unions**

Major unions in the Ontario construction industry are usually trade or craft based. This means each union represents only workers in a single trade or craft.

## • **Construction Industry Sectors**

For labour relations purposes (with unionized employers), the industry is divided into seven (7) sectors:

- industrial, commercial and institutional (ICI)
- residential
- sewers and watermains
- roads
- heavy engineering
- pipelines
- electrical power systems.

## • **Collective Agreements**

Ontario labour law requires each trade or craft union in the ICI sector to negotiate a province-wide agreement every three (3) years. In this sector there are now provincial agreements for 25 different trades or crafts.

In the other sectors there are various types of collective agreements. Some are provincial, some are regional and others only affect specific employers in the construction industry. Provincial and regional agreements only apply to:

- unionized contractors in a specific geographic area,
- work in a particular sector (or sectors), and
- a specific trade or craft.

## • **Hiring Procedures**

As a general rule unionized employers do not hire directly. Their collective agreements usually require them to hire workers on a referral basis from each union.

In Ontario, construction unions normally have an internal system that provides their members with an equitable opportunity for job referrals. This system is typically designed to place those workers who have been the longest out of work at the top of the referral list.

Legislation requires unions to follow a “duty of fair referral” by which the union is obliged not to treat its members in a manner that is arbitrary, discriminatory or in bad faith.

In the absence of collective bargaining rights being established for its operations in Ontario, Quebec contractors may bring their own workers into Ontario to work on construction projects. They may do this provided these workers are qualified in their trades or crafts, and the contractors comply with minimum standards in the Ontario Employment Standards Act.

- **Sub-contracting**

Most collective agreements in Ontario’s construction industry have “sub-contract clauses.” Consequently, a unionized contractor who chooses to use a sub-contractor instead of his/her own workforce to perform the work of a particular trade, will be required to engage a sub-contractor bound to an agreement with the same union.

## **2.8 Workplace Health and Safety In Ontario**

### **2.8.1 Workers’ Compensation Board (WCB)**

The Workers’ Compensation Board (WCB) is responsible for administering the Ontario Workers’ Compensation Act and Regulations. The WCB provides compensation to workers who sustain injuries arising from and in the course of employment or, who contract an occupational disease.

Compensation includes payment for loss of wages and loss of enjoyment of life that results from the injury or disease. The WCB also provides for future economic or non-economic loss benefits and for survivor benefits in the case of a fatality. The WCB also sponsors accident prevention activities.

The WCB finances these benefit programs by assessments on the payrolls of employers covered under the Act. In the construction sector, the 1994 assessment rates range from \$5 to \$15 per \$100 of payroll.



## • **Employers' Responsibilities**

Contractors must register in person or in writing with the Ontario WCB to determine their applicable assessment rates and the frequency of payment. An application package can be sent to the contractor for completion and return to the WCB. This must be done within 30 days of employing the first worker.

For more information on registration and assessment contact the nearest Ontario WCB office or the WCB head office in Toronto at:

### **Workers' Compensation Board,**

Employer Registration and Assessment Branch,  
34th Floor, 2 Bloor Street East,  
Toronto, ON M4W 3C3

Telephone: (416) 927-3881

Toll-free: 1-800-387-0750 (within Ontario only)

Facsimile: (416) 927-5094

or, general enquiries at:

Telephone: (416) 927-3925

Toll-free: 1-800-387-8638

Facsimile: (416) 927-5094

or, in the Ottawa-Carleton area:

### **Workers' Compensation Board,**

Ottawa Regional Offices,  
Suite 200, 360 Albert Street,  
Ottawa, ON K1R 7X7

Telephone: (613) 238-7851

Toll-free: 1-800-267-9601

Facsimile: (613) 239-3321

## **2.8.2 The Occupational Health and Safety Act**

The Act describes the workplace health and safety rights, duties and responsibilities that owners, employers, supervisors and employees have to ensure that the workplace is safe and that everyone works safely.

All employers and workers in the construction industry are covered by this Act **except** when working on federal projects employing only federal workers.

### • **Employers' Responsibilities**

The employer is responsible for health and safety on the site. This includes for example:

- training workers to work safely,
- ensuring that there are no safety violations on site,
- providing safety equipment and clothing (except boots and hard hats),
- informing workers of hazards on site(s), and
- co-operating with health and safety representatives and committees.

### • **Supervisor's Responsibilities**

The supervisor must:

- understand the laws and regulations that apply to construction projects/sites,
- know about the hazards in the workplace,
- inform workers about these hazards,
- ensure that everyone works safely, and
- ensure that everyone uses safety equipment and protective clothing properly when required to do so by the employer or the law.

### • **Worker's responsibilities**

The worker must:

- work safely,
- obey the law and regulations,
- use the safety equipment and protective clothing that the law or the employer requires him/her to use, and
- report any hazards that they see on site(s) or any violations of the law.

## • **Workers' Rights Under The Occupational Health and Safety Act**

A worker can refuse to perform work that he or she believes is unsafe and could cause injury to himself or herself or another employee. A worker cannot be penalized for exercising this right. Both the employer and the worker must know the rules about refusing to work and must follow them.

For more information on "workers' rights" under the Act refer to the Ontario brochure entitled: "Ontario's Construction Industry: What Quebec Construction Workers Need To Know To Work In Ontario," or consult the Act.

## • **Joint Health and Safety Committees**

If a construction project has 20 or more workers regularly employed and is expected to last three (3) months or more, it must have a joint health and safety committee.

These committees are important in Ontario's health and safety program for the workplace. The committee is an advisory group of worker and management representatives. It meets regularly to talk about workplace health and safety issues and make recommendations.

There are various rules governing the size and composition of committees on construction sites. These rules differ according to the size and duration of each project.

## • **Worker Health and Safety Representatives**

An health and safety representative is required on construction projects where six to 19 workers are regularly employed and where there is no joint health and safety committee. The representative is chosen by the workers and has many of the same powers as joint committee representatives.

## • **Worker Trades Committees**

If a construction project employs 50 or more workers and is expected to last three (3) months or longer, a worker trades committee must be formed – in addition to the joint health and safety committee.

The trades committee must include at least one member selected by workers from each of the trades on site. The committee is responsible for informing the joint health and safety committee of any health and safety concerns that trade workers may have.

## • **Certified Manager Or Worker**

A certified manager or worker has received special training in occupational health and safety and has been certified by the Workplace Health and Safety Agency. Because of their special training certified members of committees have special responsibilities in the workplace.

## • **Role Of The Ontario Ministry Of Labour**

The ministry employs inspectors who have the authority to inspect construction sites to ensure that the law is being followed.

Ministry inspectors can order employers, in writing, to correct violations of the law or regulations. If the health or safety of a worker is endangered, the inspector can close all or part of a job site.

## • **Penalties**

Under the Occupational Health and Safety Act penalties can be severe. Individuals (such as employers, employees and consulting professionals) can be fined from \$125 to \$25,000 depending on the severity of the violation. Companies can be fined up to \$500,000 for violations of the law.

## • The Construction Safety Association

The Construction Safety Association of Ontario provides important information on the mandatory requirements of the Ontario Occupational Health and Safety Act and Regulations for construction projects.

The association has recently published a manual of Construction Health and Safety, which is available for \$19.95. The association will also supply other health and safety literature that relates to health and safety on job sites.

For more information contact:

**Construction Safety Association of Ontario,**  
10th Floor, 74 Victoria Street,  
Toronto, ON M5C 2A5

Telephone (416) 366-1501  
Toll-free: 1-800-387-0847 (within Ontario only)  
Facsimile: (416) 366-0232

Information is also available from the regional offices of the Ontario Ministry of Labour's Occupational Health and Safety Branch.

Contact:

**Eastern Area, Area Office,**  
Suite 200, 1111 Prince of Wales Drive,  
Ottawa, ON K2C 3T2

Telephone: (613) 228-8050  
Toll-free: 1-800-267-1916 (within Ontario only)  
Facsimile: (613) 727-2900

Or,

**Toronto Area, Area Office,**  
2275 Midland Ave.,  
Scarborough, ON M1P 3E7

Telephone: (416) 314-5381  
Facsimile: (416) 314-5405

## **2.9 Employment Standards In Ontario**

### **• The Employment Standards Act**

The Ontario Employment Standards Act contains the basic rules about working and employing people. Both employers and workers have rights and responsibilities under the Act.

### **• Minimum Wage\***

As of January, 1994, Ontario's general minimum wage was raised to \$6.70 per hour. This applies to construction workers. For students under the age of 18 years the minimum wage is \$6.25.

\* Effective January 2, 1995, Ontario's general minimum wage will be raised to \$6.85 per hour and the student minimum to \$6.40 per hour.

### **• Hours of Work**

Construction workers are exempt from the hours of work restrictions of the Employment Standards Act.

### **• Overtime Pay**

Overtime pay begins when a worker has worked 44 hours in a work week. A work week is seven consecutive days. The days are determined by employers.

Overtime pay is one-and-one-half (1 1/2) times the worker's regular wage.

Collective agreements may have additional rules that apply to union members.



## • **Exceptions to Overtime**

There are exceptions to the number of hours a worker must work in order to get overtime rates.

- If he or she works on a road building site, such as a street, a highway, or a parking lot, they must work 55 hours in a work week before overtime rates begin. The work includes snow removal and maintenance.
- If he or she works on a road building site, such as a bridge, tunnel or a retaining wall in connection with streets or highways, they must work 50 hours in a work week before overtime rates begin.
- If time is lost because of bad weather, the employer is allowed to make up a maximum of 22 hours of lost time the following week, before overtime rates are required.
- If a worker works in sewer or watermain construction, he or she must work 50 hours in a work week before overtime rates begin.

## • **Vacation**

If workers work for an employer for 12 full months, they are eligible for at least two (2) weeks of vacation with pay.

If they work for less than 12 months and their employment ends or they are terminated, workers must get at least four per cent (4 per cent) of their total earnings on the project as vacation pay.

## • **Public Holidays**

There are eight (8) public holidays in Ontario. They are:

New Year's Day  
Good Friday  
Victoria Day  
Canada Day  
Labour Day  
Thanksgiving Day  
Christmas Day  
Boxing Day (December 26th)

Construction workers get paid for public holidays. To qualify for a paid public holiday a worker must have:

- been employed for at least three (3) months **and**
- earned wages on at least 12 days during the four work weeks before the holiday, **and**
- worked on the regularly scheduled day **before** and on the regularly scheduled day **after** the holiday.

**All** of these conditions must apply.

Employers can ask workers to work on a public holiday. The workers decide whether they will work or not.

(For more detail and information on payment rules please refer to the Ontario brochure entitled: “Ontario’s Construction Industry: What Quebec Construction Workers Need To Know To Work In Ontario” – section 4.8).

#### • **Termination Pay**

If workers are doing construction work on site, the employer is not required to provide termination pay or pay in lieu of notice if they are laid off or when the job is finished.

#### • **Meal Breaks and Coffee Breaks**

Legally, workers cannot work more than five (5) hours in a row without getting a break of at least half an hour (unpaid time) to eat. Coffee and rest breaks are decided by the employer. They are part of the working time and must be paid time.

## • Room and Board

There are maximum rates that an employer can charge a worker for room and board. The current rates are shown below:

	<u>1994</u>	<u>1995</u>
Room:		
• private (weekly) . . . . .	\$31.00	31.70
• non-private (weekly) . . . . .	15.60	15.85
Meals:		
• each . . . . .	2.50	2.55
• per week . . . . .	52.50	53.55
Room and meals (weekly)		
• with private room . . . . .	83.50	85.25
• with non-private lodging . . . . .	68.00	69.40

## • Fair Wage Policy

This is a policy of the Ontario Government to ensure that workers receive fair wages and work under fair working conditions on specific types of projects let by Provincial Government ministries. Many of the construction jobs contracted for by Ontario ministries have special rules that are set out in the Fair Wage Policy.

The policy applies to projects in the construction, building, cleaning (specifically window cleaning) and security industries.

The special labour conditions include such things as minimum rates of pay for each trade, hours of work, and overtime.

Each government project (see list below) must have “Wage Rate Schedules and Labour Conditions” posted on the job site where everyone can see them. The fair wage rate for the specific geographic zone will be displayed, as well as overtime, pay rules and hours of work.

This policy applies only to contracts let by ministries of the Ontario Government for:

- construction projects in the industrial, commercial and institutional (ICI) sectors valued at \$100,000 or more;
- road building projects (let by ministries and most municipalities) valued at \$160,000 or more;
- sewer and watermain projects regardless of value; and
- window cleaning, janitorial and security contracts regardless of value.

## **2.10 Ontario Training and Adjustment Board (OTAB)**

The OTAB Apprenticeship and Client Services Branch administers the Trades Qualification and Apprenticeship Act.

This Act regulates tradespersons' training, qualification, wages, and the ratio of apprentices to journeypersons that applies to all trades covered by the Act. Quebec employers who obtain a construction contract in Ontario, and who bring their apprentices with them, must register with the nearest OTAB Apprenticeship and Client Services office **before** the start of their contract. (For more information refer to Ontario's brochure for Quebec Construction Workers: sections 1.8 to 1.12).

## **2.11 Compulsory and Voluntary Trades Certification**

In Ontario there are both compulsory and voluntary trades.

A compulsory trade is a trade for which a Certificate of Qualification is compulsory in order to work.

A voluntary trade is a trade for which a Certificate of Qualification is voluntary, that is, you do not need a Certificate or Qualification in order to work. Increasingly, however, employers and unions are asking for a Certification as a condition of employment. (For more information refer to Ontario's brochure for Quebec Construction Workers: sections 1.3 to 1.7).

## **2.12 The Environment**

For guidance on compliance with Ontario's Environmental Protection Act (EPA), the Pesticide Act, or any other environmental compliance information, contractors should contact the Ontario Ministry of Environment and Energy.

### **• Environmental Protection Act**

The purpose of this Act is to provide for the protection and conservation of the natural environment and human health by regulating all contaminant discharges. The Act and its Regulations set out standards for any contaminant discharge to the air, land or water.

These standards include motor vehicle emissions and abandonments, ice huts, waste management, ozone depleting substances, sewage systems, packaging and containers for litter, spills, together with legal instruments to ensure compliance.

### **• The Pesticides Act**

The Pesticides Act and its Regulations set out standards for the use, control, application and distribution of pesticides as well as for users of pesticides through the issuance of licenses and permits.

All calls or requests for information should be directed to:

#### **Ministry of Environment and Energy,**

Kingston Regional Office,  
P.O. Box 820, 133 Dalton Ave.,  
Kingston, ON K7L 4X6

Telephone: (613) 549-4000

Toll-free: 1-800-267-0974 (within "613" area only)

Facsimile: (613) 548-6908

## **2.13 Ontario Building Code**

The Ontario Building Code (OBC) is largely based on the provisions of the National Building Code of Canada. The OBC is a set of minimum provisions governing the safety of buildings with respect to public health, fire protection and structural sufficiency. In addition, the OBC sets standards for barrier-free accessibility, water conservation and energy efficiency in buildings.

Compliance with the Ontario Building Code is regulated by the municipality in which the contractor works. Each municipality organizes its own building inspection protocol.

For information on the Ontario Building Code contact:

### **Ministry of Housing,**

Housing Development and Buildings Branch,  
2nd Floor, 777 Bay Street,  
Toronto, ON M5G 2E5

Telephone: (416) 585-6666

Facsimile: (416) 585-4029

And, the municipality in which business operations will be conducted.

## **2.14 Bonding**

The scope and values of security/surety bonding for contractors will depend on the kind of construction activity in which each contractor plans to engage. If the contractor chooses to build and/or sell new homes, the Ontario New Home Warranty Program (refer to Section 3.0) is applicable. If the choice is for any other building, construction or heavy engineering work the bonding or other security would normally be determined by the parties to each contract.



## **2.15 Vehicle Registration**

The residence of the owner of any vehicles used in Ontario determines whether Ontario licensing is required. If the owner's residence is in a province other than Ontario all vehicles owned and licensed in that province are valid in Ontario. If the residence of the owner changes to Ontario, the vehicles must be licensed in Ontario within 60 days of the change.

For all vehicle licensing regulations and where vehicles exceed the provincial width, length and weight requirements, or where load restrictions apply, on or off the Ontario highways, contact:

For Vehicle Registration Requirements –

**Ministry of Transportation,**  
Licensing and Control Branch,  
Licensing Administration Office,  
2680 Keele Street,  
Main Floor, East Building,  
Downsview, ON M3M 3E6

Telephone: (416) 235-2999  
Toll-free: 1-800-268-7590 (within Ontario only)  
Facsimile: (416) 235-4414

For Oversize/Overweight (O/O) Permits and Load Restrictions –

**Ministry of Transportation,**  
Compliance Branch,  
Carrier Licensing Office,  
1201 Wilson Ave.,  
Main Floor, East Building,  
Downsview, ON M3M 1J8

Telephone: (416) 235-4811  
Toll-free: 1-800-387-7737 (within Ontario only)  
Facsimile: (416) 235-5229

Ottawa District Office (Vehicle and O/O Permit Information) –

**Ministry of Transportation,**  
1570 Walkley Road,  
Ottawa, ON K1P 6P5

Vehicle Registration/Driver Licensing –

Telephone: (613) 731-3731 and 3962  
Facsimile: (613) 731-1444

Oversize/Overweight Permits –

Telephone: (613) 731-6451  
Facsimile: (613) 731-1444

## **2.16 Employment Equity**

Ontario's **Employment Equity Act** and its accompanying Regulations became effective on September 1, 1994.

The General Regulation does not apply to the construction industry. To allow time for the development of a special regulation for this industry, the dates for completion of employment equity plans in the construction industry have been set one year later than for other employers. The Ministry of Citizenship is conducting work on how employment equity will be implemented in the construction industry.

If you have any questions about your status under the Employment Equity Act and its Regulations, or would like an overview of the Act or its current Regulations, please contact:

**The Employment Equity Commission**

77 Bloor Street West, 10th Floor  
Toronto ON M7A 2R9

Telephone: (416) 314-0016

Toll-free: 1-800-663-2534 (within Ontario only)

Facsimile: (416) 325-6077

## **2.17 Associations**

Many home builder, contractor or construction associations operate at the provincial, regional and municipal levels.

Membership is not mandatory, but is considered a useful business practice. Members are usually informed quickly of any changes in legislation, regulations or other rules that might impact on their businesses.

The fees and services offered vary by association. Quebec contractors considering joining an association are encouraged to contact the association of their choice directly for information.

[For a list of some of the associations in Ontario refer to the appendix in section 8.0].

***Quebec contractors who experience difficulties understanding or responding to Ontario's requirements to do business in the province, are encouraged to contact the Ottawa Construction Association for help. (Please refer to Section 8.1 Associations).***



## Section 3

### 3.0 New Home Building/Selling

In the province of Ontario it is mandatory for anyone acting in the capacity of a vendor and/or builder of new residential dwellings (including condominium units) to register with the Ontario New Home Warranty Program. Contractors should contact:

#### **Ontario New Home Warranty Program,**

Director of Builder Services,  
North York City Centre,  
North East Tower, 6th Floor,  
5160 Yonge Street,  
North York, ON M2N 6L9

Telephone: (416) 229-9200

Toll-free: 1-800-668-0124

Facsimile: (416) 229-3800

Each applicant, after submitting the registration form and the fee, of \$642 including 7 per cent GST, will be interviewed to determine business skills. Also, a written test to establish technical competency must be completed. This will require the applicant to be familiar with the Ontario Building Code and other relevant provincial, municipal or regional residential requirements and legislation.

Submission of Surety Bonds, Letters of Credit or other security may be required by The Program depending on the results of the interview and written test.





## **Section 4**

### **4.0 All Other Building, Construction and Heavy Engineering Sectors**

Contractors planning to work in these sectors, where specifications for each job or project are carefully defined in advance, often in an open tender format, will be governed by the contract and must be in compliance with all laws of Canada and the Province of Ontario. The terms of the contract agreed to by all the parties to the contract will therefore determine the standards of performance and will be the monitor of competence.

Certain public sector organizations require contractors to pre-qualify (e.g. Ministry of Transportation) prior to being allowed to bid on tendered contracts. Please call ministries or agencies to find out what pre-qualification is necessary, if any.



## Section 5

### 5.0 The Ontario Construction Lien Act (Hold-Back Requirements)

Everyone who supplies services or materials to improve immovable property has a right to a lien against the owner's interest in the property for unpaid money. This protection applies to contractors, subcontractors, material suppliers and workers.

A lien claim must be registered against the property to which it applies within 45 days of the last work done or material supplied.

The Act requires that the owner and every person who is in the payment chain hold back 10 per cent of the value of the work being done for them, to cover potential lien claims.

For information on the Construction Lien Act contact:

**Ministry of the Attorney-General,**  
Policy Division,  
7th Floor, 720 Bay Street,  
Toronto, ON M5G 2K1

Telephone: (416) 326-2500  
Facsimile: (416) 326-2699



## Section 6

### **6.0 Itinerant Sellers (Including Home Renovators)**

These are defined as contractors who “sell goods or services door-to-door” and enter into contracts executed away from their place of business. (The act of selling includes advertisements or flyers that are mailed to or left with homeowners).

The activities of these persons are governed by the Ontario Consumer Protection Act. They must be registered with the Ministry of Consumer and Commercial Relations. For information on how to register contact:

**Ministry of Consumer and  
Commercial Relations,**  
Business Registration,  
32nd Floor, 250 Yonge Street,  
Toronto, ON M5B 2N5

Telephone: (416) 326-8800  
Toll-free: 1-800-268-1142 (within Ontario only)  
Facsimile: (416) 326-8810





Section 7

7.0, Home and Other Renovators

These contractors may be required to register with each municipality in which they wish to do business.

Contractors should contact the local municipality in which they propose to work as renovators.

For Metro Toronto (which includes Toronto, York, East York, North York, Scarborough and Etobicoke), renovation contractors should contact:

**Metro Licensing Commission,**  
Suite 200, 939 Eglinton Avenue East,  
Toronto, ON M4G 4G2

Telephone: (416) 392-3000  
Facsimile: (416) 392-3102

Offices are open Monday to Friday,  
8:30 am to 4:30 pm.

Application must be made in person.

Forms will not be mailed or faxed to applicants.

Application fee	.....\$110
Annual renewal fee	.....\$ 10



## Section 8

### 8.0 Appendix

#### 8.1 Associations

There are many provincial, regional and municipal associations throughout Ontario that relate to home building and other construction or heavy engineering activities. Some of these associations are listed below, in alphabetical order:

**Council of Ontario Construction Associations (COCA),**  
Suite 602, 920 Yonge Street,  
Toronto, ON M4W 3C7

Telephone: (416) 968-7200  
Facsimile: (416) 968-0362

**Greater Toronto Home Builders' Association (GTHBA),**  
20 Upjohn Road,  
North York, ON M3B 2V9

Telephone: (416) 391-3445  
Facsimile: (416) 391-2118

**Ontario General Contractors Association,**  
Suite 703, 6299 Airport Road,  
Mississauga, ON L4V 1N3,

Telephone: (905) 671-3969  
Facsimile: (905) 671-8212

**Ontario Home Builders' Association (OHBA),**  
20 Upjohn Road,  
North York, ON M3B 2V9

Telephone: (416) 443-1545  
Toll-free: 1-800-387-0109 (within Ontario only)  
Facsimile: (416) 443-9982

**Ottawa Construction Association (OCA),**  
196 Bronson Avenue,  
Ottawa, ON K1R 6H4

Telephone: (613) 236-0488  
Facsimile: (613) 238-6124

**Ottawa-Carleton Home Builders' Association,**  
203 - 30 Concourse Gate,  
Nepean, ON K2E 7S8

Telephone: (613) 723-2926  
Facsimile: (613) 723-2982

**Ontario Road Builders Association,**  
Unit 1, 365 Brunel Road,  
Mississauga, ON L4Z 1Z5

Telephone: (905) 507-1107  
Facsimile: (905) 890-8122

**Toronto Construction Association,**  
1 Sparks Avenue,  
Willowdale, North York, ON M2H 2W1

Telephone: (416) 499-4000  
Facsimile: (416) 499-8752

## **8.2 Ontario Ministries and Agencies**

### **Ministry of the Attorney-General,**

Policy Division,  
7th Floor, 720 Bay Street,  
Toronto, ON M5G 2K1

Telephone: (416) 326-2500

Facsimile: (416) 326-2699

### **Construction Safety Association of Ontario,**

10th Floor, 74 Victoria Street,  
Toronto, ON M5C 2A5

Telephone: (416) 366-1501

Toll-free: 1-800-387-0847 (within Ontario only)

Facsimile: (416) 366-0232

### **Ministry of Consumer and Commercial Relations,**

Business Registration,  
32nd Floor, 250 Yonge Street,  
Toronto, ON M5B 2N5

Telephone: (416) 326-8800

Toll-free: 1-800-268-1142 (within Ontario only)

Facsimile: (416) 326-8810

### **Ministry of Consumer and Commercial Relations,**

The Companies Branch,  
Suite 200, 393 University Avenue,  
Toronto, ON M5G 2M2

Telephone: (416) 314-8880

Toll-free: 1-800-361-3223 (within Ontario only)

Facsimile: (416) 314-4852

### **Ministry of Consumer and Commercial Relations,**

Land Registry Office,  
161 Elgin Street,  
4th Floor, The Court House,  
Ottawa, ON K2P 2K1

Telephone: (613) 239-1230

Facsimile: (613) 239-1422

**Ministry of Consumer and Commercial Relations,**  
Technical Standards Division,  
4th Floor, West Tower,  
3300 Bloor Street West,  
Toronto, ON M8X 2X4

Telephone: (416) 234-6000  
Facsimile: (416) 234-6101

**The Office of the Employment Equity  
Commissioner,**  
77 Bloor Street West, 10th Floor,  
Toronto, ON M7A 2R9

Telephone: (416) 314-0016  
Toll-free: 1-800-663-2534 (within Ontario only)  
Facsimile: (416) 325-6077

**Ministry of Environment and Energy,**  
Kingston Regional Office,  
P.O. Box 820, 133 Dalton Ave.,  
Kingston, ON K7L 4X6

Telephone: (613) 549-4000  
Toll-free: 1-800-267-0974 (within "613" area only)  
Facsimile: (613) 548-6908

**Ministry of Finance,**  
Retail Sales Tax Office,  
3rd Floor, 1355 Bank Street,  
Ottawa, ON K1H 8K7

Telephone: (613) 523-9760  
(Will accept collect calls from out-of-province)  
Toll-free: 1-800-267-9745 (within Ontario only)  
Facsimile: (613) 239-1582

**Ministry of Finance,**  
Retail Sales Tax Office,  
10th Floor, 2300 Yonge Street,  
Toronto, ON M4P 1H6

Telephone: (416) 487-1361  
(Will accept collect calls from out-of-province)  
Toll-Free: 1-800-268-8852 (within Ontario only)  
Facsimile: (416) 480-7894



**Ministry of Finance,**

Employer Health Tax Regional Office,  
1800 Bank Street,  
Ottawa, ON K1V 0W3

Telephone: (613) 739-3803

Toll-free: 1-800-461-0038 (French language)

Toll-free: 1-800-461-4909 (English language)

(both toll-free numbers are accessible to users  
within Ontario and **only** the "514" area code  
in Quebec)

Facsimile: (613) 739-3233

**Ministry of Finance,**

Employer Health Tax,  
Greater Toronto Area West Regional Office,  
Suite 230, 1650 Dundas Street East,  
Mississauga, ON L4X 2Z3

Telephone: (905) 615-9911

Toll-free: 1-800-265-0401 (French language)

Toll-free: 1-800-265-9969 (English language)

(both toll-free numbers are accessible to users within  
Ontario and **only** the "514" area code in Quebec)

Facsimile: (905) 615-5860

**Ministry of Finance,**

Employer Health Tax,  
Greater Toronto Area East Regional Office,  
1st Floor, 33 King Street West,  
Oshawa, ON L1H 8H5

Telephone: (905) 436-4561

Toll-free: 1-800-265-1193 (French language)

Toll-free: 1-800-265-9005 (English language)

(both toll-free numbers are accessible to user within  
Ontario and **only** the "514" area code in Quebec)

Facsimile: (905) 436-4474

**Ministry of Housing,**

Housing Development and Buildings Branch,  
2nd Floor, 777 Bay Street,  
Toronto, ON M5G 2E5

Telephone: (416) 585-6666

Facsimile: (416) 585-4029

**Ministry of Labour,**

Occupational Health and Safety Branch,  
Eastern Area Office,  
Suite 200, 1111 Prince of Wales Drive,  
Ottawa, ON K2C 3T2

Telephone: (613) 228-8050

Toll-free: 1-800-267-1916 (within Ontario only)

Facsimile: (613) 727-2900

**Ministry of Labour,**

Occupational Health and Safety Branch,  
Toronto Area Office,  
2275 Midland Ave.,  
Scarborough, ON M1P 3E7

Telephone: (416) 314-5381

Facsimile: (416) 314-5405

**Metro Licensing Commission,**

Suite 200, 939 Eglinton Avenue East,  
Toronto, ON M4G 4G2

Telephone: (416) 392-3000

Facsimile: (416) 392-3102

**Ontario New Home Warranty Program,**

Director of Builder Services,  
North York City Centre,  
North East Tower, 6th Floor,  
5160 Yonge Street,  
North York, ON M2N 6L9

Telephone: (416) 229-9200

Toll-free: 1-800-668-0124

Facsimile: (416) 229-3800

**Ministry of Transportation,**

Licensing and Control Branch,  
Licensing Administration Office,  
2680 Keele Street,  
Main Floor, East Building,  
Downsview, ON M3M 3E6

Telephone: (416) 235-2999

Toll-free: 1-800-268-7590 (within Ontario only)

Facsimile: (416) 235-4414

**Ministry of Transportation,**

Compliance Branch,  
Carrier Licensing Office,  
1201 Wilson Ave.,  
Main Floor, East Building,  
Downsview, ON M3M 1J8

Telephone: (416) 235-4811

Toll-free: 1-800-387-7737 (within Ontario only)

Facsimile: (416) 235-5229

**Ministry of Transportation,**

1570 Walkley Road,  
Ottawa, ON K1P 6P5

Vehicle Registration/Driver Licensing –

Telephone: (613) 731-3731 and 3962

Facsimile: (613) 731-1444

Oversize/Overweight Permits –

Telephone: (613) 731-6451

Facsimile: (613) 731-1444

**Workers' Compensation Board,**

Employer Registration and Assessment Branch,  
2 Bloor Street East,  
Toronto, ON M4W 3C3

Telephone: (416) 927-3881

Toll-free: 1-800-387-0750 (within Ontario only)

Facsimile: (416) 927-5094

**Workers' Compensation Board,**

Ottawa Regional Offices,  
Suite 200, 360 Albert Street,  
Ottawa, ON K1R 7X7

Telephone: (613) 238-7851

Toll-free: 1-800-267-9601

Facsimile: (613) 239-3321

### **8.3 Legislation**

The following is a list of Ontario Acts and Regulations that Quebec contractors (or sub-contractors) should be aware of when planning to perform work in Ontario.

Some of these Acts have already been referred to in the brochure. Others would be relevant only if contractors choose to work in the specific fields of activity governed by the Act and its Regulations.

#### **Attorney General**

- Construction Lien Act
- Vendors and Purchasers Act
- Wages Act

#### **Citizenship**

- Employment Equity Act

#### **Consumer and Commercial Relations**

- Amusement Devices Act
- Boilers and Pressure Vessels Act
- Business Corporations Act
- Business Names Act
- Business Practices Act
- Change of Name Act
- Consumer Protection Act
- Corporations Act
- Corporations Information Act
- Elevating Devices Act
- Energy Act
- Gasoline Handling Act
- Limited Partnerships Act
- Ontario New Home Warranties Plan Act
- Operating Engineers Act
- Partnerships Act

## **Education and Training (OTAB)**

- Trades Qualification and Apprenticeship Act
- Environment and Energy**
- Environmental Assessment Act
- Environmental Protection Act
- Pesticides Act
- Waste Management Act, 1992

## **Finance**

- Corporations Tax Act
- Employer Health Tax Act
- Income Tax Act
- Retail Sales Tax Act

## **Housing**

- Building Code Act
- Housing Development Act

## **Labour**

- Employment Standards Act
- Government Contracts Hours and Wages Act
- Occupational Health and Safety Act
- Rights of Labour Act
- Workers' Compensation Act

## **Solicitor General and Correctional Services**

- Fire Marshals Act

## **Transportation**

- Dangerous Goods Transportation Act
- Highway Traffic Act
- Off-Road Vehicles Act











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